

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY
OF THE STATE OF MONTANA

In the matter of the amendment of ARM)
17.56.101 and 17.56.402 pertaining to leak)
detection of underground storage tanks)
)
) NOTICE OF PUBLIC HEARING ON
) PROPOSED AMENDMENT
) (UNDERGROUND STORAGE
) TANKS)

TO: All Concerned Persons

1. On November 5, 2008, at 10:30 a.m., a public hearing will be held in Room 35, Metcalf Building, 1520 East Sixth Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m., October 15, 2008, to advise us of the nature of the accommodation that you need. Please contact Elois Johnson, Paralegal, Department of Environmental Quality, P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-2630; fax (406) 444-4386; or e-mail ejohnson@mt.gov.

3. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

17.56.101 DEFINITIONS (1) through (68) remain the same.
(69) "Terminal piping" means piping that:
(a) is located within a facility with a NAICS code of 424720 (product terminals), 486110 (petroleum pipelines, crude), 4486910 (petroleum pipelines, refined), or 482111 (line-haul railroads);
(b) is underground, or is above ground, if the above ground piping:
(i) cannot be segregated, disconnected, or isolated from subject underground piping; and
(ii) is connected to ancillary equipment including, but not limited to, pumps, valves, or meters;
(c) is connected to a storage tank, whether the storage tank is entirely above ground, partially above ground, or entirely underground;
(d) is used to contain or transport a regulated substance; and
(e) has a normal operating pressure greater than 50 psi or a piping capacity greater than 362 gallons for diesel and 316 gallons for gasoline.
(69) through (75) remain the same, but are renumbered (70) through (76).

AUTH: 75-11-204, 75-11-319, 75-11-505, MCA
IMP: 75-11-203, 75-11-302, 75-11-319, 75-11-505, MCA

17.56.402 REQUIREMENTS FOR PETROLEUM UST SYSTEMS

(1) Except as provided in (2), Owners and operators of petroleum UST systems must provide release detection for tanks and piping as follows:

(a) through (b)(iv) remain the same.

(2) Terminal piping is exempt from the requirements of ARM 17.56.204(2) and (3), 17.56.304(3)(f)(i), 17.56.408(1)(a) through (d), 17.56.504(1)(a), and 17.56.701(4)(b)(ii) and (d)(ii). The department may exempt other associated piping on a case-by-case basis, if the department determines the exemption would not cause harm to human health or the environment.

(3) The exempt piping referenced in (2) must be annually leak tested using:

(a) the procedures described in American Petroleum Institute Recommended Practice 1110, "Recommended Practice for Pressure Testing of Steel Pipelines for the Transportation of Gas, Petroleum Gas, Hazardous Liquids, Highly Volatile Liquids or Carbon Dioxide," with the following exceptions:

(i) the minimum leak test pressure ratios may not be less than 1.0;

(ii) the leak test duration may not be less than one hour; and

(iii) leak acceptance criteria must be based on 5% decrease in pressure of the pipeline segment during the test period; or

(b) another leak test procedure approved by the department.

(4) The department adopts and incorporates by reference the version in effect on July 1, 2008, of American Petroleum Institute Recommended Practice 1110, "Recommended Practice for Pressure Testing of Steel Pipelines for the Transportation of Gas, Petroleum Gas, Hazardous Liquids, Highly Volatile Liquids or Carbon Dioxide," which sets forth guidelines for pressure testing steel pipelines for the transportation of gas, petroleum gas, hazardous liquids, highly volatile liquids, or carbon dioxide, a copy of which may be obtained from Global Engineering Documents, 15 Inverness Way East, M/S C303B, Englewood, CO 80112-5776, (303) 397-7956.

AUTH: 75-11-302, 75-11-505, MCA

IMP: 75-11-302, 75-11-505, MCA

REASON: The department is proposing to add the definition of "terminal piping" to ARM 17.56.101 and to amend ARM 17.56.402 to exempt terminal piping from the leak detection and tightness testing requirements of ARM 17.56.204(2) and (3), 17.56.304(3)(f)(i), 17.56.408(1)(a) through (d), 17.56.504(1)(a), and 17.56.701(4)(b)(ii) and (d)(ii). Because of the high volume operating pressures of terminal piping, the existing leak detection testing methods required in ARM Title 17, chapter 56, do not work.

The proposed rule revisions would provide an alternative technically feasible method for leak detection. The exempt piping would be annually leak tested using the procedures described in American Petroleum Institute Recommended Practice 1110, "Recommended Practice for Pressure Testing of Steel Pipelines for the Transportation of Gas, Petroleum Gas, Hazardous Liquids, Highly Volatile Liquids or Carbon Dioxide," with the following exceptions:

(a) the minimum leak test pressure ratios may not be less than 1.0;

(b) the leak test duration may not be less than one hour; and

(c) leak acceptance criteria must be based on 5% decrease in pressure of

the pipeline segment during the test period.

4. Concerned persons may submit their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Elois Johnson, Paralegal, Department of Environmental Quality, P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-2630; fax (406) 444-4386; or e-mail ejohnson@mt.gov, no later than November 6, 2008. To be guaranteed consideration, mailed comments must be postmarked on or before that date.

5. James Madden, attorney, has been designated to preside over and conduct the hearing.

6. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list must make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding: air quality; hazardous waste/waste oil; asbestos control; water/wastewater treatment plant operator certification; solid waste; junk vehicles; infectious waste; public water supplies; public sewage systems regulation; hard rock (metal) mine reclamation; major facility siting; opencut mine reclamation; strip mine reclamation; subdivisions; renewable energy grants/loans; wastewater treatment or safe drinking water revolving grants and loans; water quality; CECRA; underground/above ground storage tanks; MEPA; or general procedural rules other than MEPA. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to Elois Johnson, Paralegal, Legal Unit, 1520 E. Sixth Ave., P.O. Box 200901, Helena, Montana 59620-0901, faxed to the office at (406) 444-4386, e-mailed to ejohnson@mt.gov, or may be made by completing a request form at any rules hearing held by the department.

7. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

Reviewed by:

DEPARTMENT OF ENVIRONMENTAL
QUALITY

/s/ James M. Madden

JAMES M. MADDEN

Rule Reviewer

BY: /s/ Richard H. Oppen

RICHARD H. OPPER

Director

Certified to the Secretary of State September 29, 2008.